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LAW OFFICES OF
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Joel S. Robbins, Esquire
David R. Rosenfeld, Esquire

October 4, 2001

Ms. Carlyn Winter Prisk (3HS11)
U.S. Environmental Protection Agency, Region III
1650 Arch Street
Philadelphia, PA 19103-2029

RE: Lower Darby Creek Area Superfund Site
My Client: Norwood Borough

Dear Ms. Prisk:

I am the solicitor for Norwood Borough, Delaware County, Pennsylvania. Our Council President, John DeFrancisco, has asked me to respond to the September 27 inquiry from Larry S. Miller (copy enclosed).

I met with our Borough Secretary, Patricia Dunderdale, and our Borough Engineer, F. Clarke Walton, P.E., on October 3, to review this matter. This letter is prepared after that meeting and those consultations.

Obviously, Norwood Borough has minutes of official Council meetings dating back many years, including the months and years in question, which I understand were back in the 1960's. Ms. Dunderdale is in the process of culling out any meeting minutes that contain any mention whatsoever of any activity at the landfill in question; specifically, any information at all concerning outside materials brought in and deposited at that site. Ms. Dunderdale will provide me with copies of those minutes, which I will then send to you immediately.

We have no permits or other records of any dumping at that site, other than what might be contained in the minutes that will be sent to you as soon as possible. Our engineer, Mr. Walton, has spoken with a few of the former members of Council who were serving in that position back in the 1960's, and none of them seems to have any recollection whatsoever of any dumping or other activities in that area. Considering the passage of time and the ages of those persons at present, that certainly doesn't surprise me. Understanding, however, that the EPA might want to conduct its own investigation, I have asked Ms. Dunderdale to provide me with the names, current addresses and current telephone numbers of any members of Council from the 1960's who might still be alive and

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Page 2

locatable at present. We will compile that list as best we can, keeping in mind that record-keeping prior to January, 1982, when the present administration took office, was not always of the highest caliber. That list, as with the minutes of the meetings, will be sent to you as soon as I receive it. I am hopeful that your investigator may be able to glean more information from those persons than Mr. Walton was able to get. If you need our assistance, please let me know. I just felt that it would be easier for the EPA to do that, as you have more power and authority than do we; and, furthermore, while those prior members of Council may feel that there are political motives behind this if we were to ask the questions, they would certainly not have those feelings about the EPA.

Finally, and this may be dispositive of Norwood's entire involvement in your investigation, there is another government agency that already has most, if not all, of the information that you may need. As it so happens, the United States government is presently involved in condemnation proceedings against Darby Realty Company, involving an extensive parcel of land at or around the site in question. The litigation was being handled by Mr. Barnett in the U.S. Attorney's Office in Philadelphia. I know that Mr. Barnett has since left the office, and I am not sure exactly who is presently handling the litigation. In any event, as part of the condemnation proceedings, the government conducted test borings at the site, to determine if there was any underground contamination. Since Norwood Borough is not a party to that litigation, we were never given the results of those tests. I am sure that the U.S. Attorney will make those results available to you, if you request them; and, hopefully, you may be able to utilize those results without needing any further information from Norwood Borough.

I would most respectfully request that you secure those test results from the U.S. Attorney; if those test results indicate to you that a further investigation should be conducted, let me know; and if those test results indicate that nothing on any land within Norwood Borough needs to be further investigated, please let me know, as even the least investigation on the part of Norwood Borough is extremely burdensome to our taxpayers, as we are a small municipality with virtually no commercial base. Therefore, if another government agency already has the information that you need, and if that government agency can make that information available to you, we would be most appreciative.

I look forward to hearing from you with more guidance as to what you want us to do and how you want us to do it. We will cooperate.

I thank you for your consideration.

Very truly yours,

Joel S. Robbins, Esquire

JSR/mm

cc: Borough of Norwood (Patricia Dunderdale, Borough Secretary)

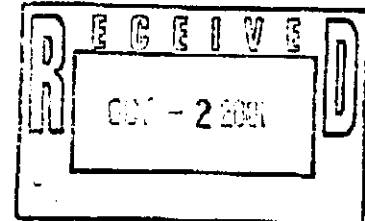
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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

SEP 27 1991

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Municipality of Norwood Borough
P.O. Box 65
Norwood, PA 19074



Attention: John De Francisco, Municipal Council

Re: Required Submission of Information
Lower Darby Creek Area Superfund Site - Clearview Landfill, Folcroft Landfill, and
Folcroft Landfill Annex

Dear Mr. De Francisco:

The U.S. Environmental Protection Agency ("EPA") is seeking information concerning the release, or threat of release, of hazardous substances, pollutants or contaminants into the environment at the Clearview Landfill ("Clearview"), Folcroft Landfill ("Folcroft"), and Folcroft Landfill Annex ("Folcroft Annex") portions of the Lower Darby Creek Area Superfund site, located in Delaware and Philadelphia Counties, Pennsylvania (hereinafter the "Site").

The Site is located in an industrialized portion of southeastern Delaware County and southwestern Philadelphia County, Pennsylvania, along an approximately two-mile stretch of Darby Creek, between Cobbs Creek to the north and the tidal marsh of John Heinz National Wildlife Refuge at Tinicum to the south (see Enclosure A). The Site also includes contaminated portions of areas along Darby Creek downstream as well as a portion of a 3500-acre tidal marsh.

EPA has reason to believe that wastes generated at locations owned or operated by the Municipality of Norwood Borough, may have been transported to and disposed of at the Site, specifically at Clearview, Folcroft, and Folcroft Annex. Clearview is located on the east side of Darby Creek; Folcroft and Folcroft Annex are located on the west side of the creek.

Pursuant to the authority of Section 104(e) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended ("CERCLA"), 42 U.S.C. Section 9604(e), EPA has the authority to require the Municipality of Norwood Borough (hereinafter "you"), to furnish all information and documents in your possession, custody or control, or in the possession, custody or control of any of your employees or agents, which concern, refer, or relate to hazardous substances as defined by Section 101(14) of CERCLA, 42 U.S.C. Section 9601(14), pollutants

Customer Service Hotline: 1-800-438-2474

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and/or contaminants as defined by Section 101(33) of CERCLA, 42 U.S.C. Section 9601(33), which were transported to, stored, treated, or disposed of at the above-referenced Site.

Section 104 of CERCLA authorizes EPA to pursue penalties for failure to comply with that section or for failure to respond adequately to required submissions of information. In addition, providing false, fictitious, or fraudulent statements or representations may subject you to criminal penalties under 18 U.S.C. Section 1001. The information you provide may be used by EPA in administrative, civil, or criminal proceedings.

You must respond in writing to this required submission of information within **fifteen (15) calendar days** of your receipt of this letter. For a corporation, the response must be signed by an appropriately authorized corporate official. For all other entities, the response must be signed by an authorized official of that entity.

If, for any reason, you do not provide all information responsive to this letter, then in your answer to EPA you must: (1) describe specifically what was not provided, and (2) provide to EPA an appropriate reason why the information was not provided.

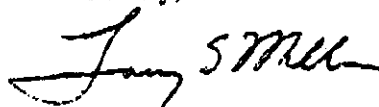
All documents and information should be sent to:

Ms. Carlyn Winter Prisk (3HS11)
U.S. Environmental Protection Agency, Region III
1650 Arch Street
Philadelphia, PA 19103-2029

This required submission of information is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. Section 3501 et seq.

If you have any questions concerning this matter, please contact Civil Investigator Carlyn Winter Prisk at (215) 814-2625, or have your attorney contact Brian Nishitani of EPA's Office of Regional Counsel at (215) 814-2675. To discuss the Site in general or the nature of the cleanup, contact Kristine Matzko, the Remedial Project Manager, at (215) 814-5719.

Sincerely,



Larry S. Miller
Chief, PRP Investigation and
Site Information Section

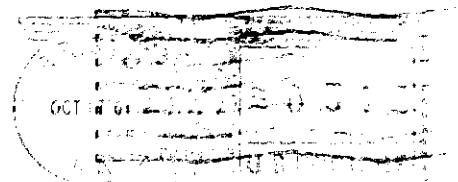
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PRP IN/INFD SECTION



BOROUGH OF NORRISTOWN
A HOME RULE MUNICIPALITY

BOROUGH HALL
235 EAST AIRY STREET
NORRISTOWN, PA 19401-5048



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